

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSHUA ROZWOOD,

Plaintiff,

v.

Case Number 19-10470

Honorable David M. Lawson

MARK W. WISZNIOWSKI and
DRIVE LOGISTICS, LTD.,

Defendants.

**ORDER GRANTING IN PART PLAINTIFF'S MOTION TO EXTEND EXPERT
DISCLOSURE DEADLINES, DENYING DEFENDANTS' MOTION TO EXCLUDE
EXPERT TESTIMONY, AND DISMISSING WITHOUT PREJUDICE DEFENDANTS'
MOTION FOR PARTIAL SUMMARY JUDGMENT**

This matter is before the Court on the plaintiff's motion to extend discovery and allow the late disclosure of a report from his accident reconstruction expert, and the defendants' motion to exclude the expert's testimony due to the tardy disclosure. The Court has reviewed the submissions of the parties and heard oral argument on November 24, 2021. At the end of the hearing, the Court announced from the bench its decision to grant in part the plaintiff's motion to extend deadlines, deny the defendants' motion to exclude, impose sanctions on plaintiff's counsel for the late disclosure, set deadlines for the completion of expert discovery, and permit the defendant to revise or renew its motion for partial summary judgment.

Accordingly, for the reasons stated on the record, it is **ORDERED** that the defendants' motion to exclude expert testimony (ECF No. 29) is **DENIED**, and the plaintiff's motion to permit late disclosure of his expert's report and to extend discovery and motion filing deadlines (ECF No. 30) is **GRANTED IN PART**.

It is further **ORDERED** that the report of the plaintiff's accident reconstruction expert which was served on August 2, 2021 is deemed timely. The defendants may take the expert's

deposition **on or before December 15, 2021**, and discovery is extended through that date for the sole purpose of concluding the expert's deposition. The cost of the expert's deposition except for the cost of the transcript shall be paid by plaintiff's counsel.

It is further **ORDERED** that if the parties want to file any motions challenging the admissibility of expert testimony under Federal Rules of Evidence 702, 703 or 705, then they must do so **on or before December 28, 2021**.

It is further **ORDERED** that the defendants' motion for partial summary judgment (ECF No. 28) is **DISMISSED** without prejudice. If the defendants want to refile or renew the motion after taking the expert's deposition, then they must do so **on or before December 28, 2021**.

It is further **ORDERED** that plaintiff's counsel must pay to the defendants sanctions for the late expert disclosure in the amount of \$5,000. Payment of that amount must be made in full on or before the date of the plaintiff's expert's deposition, and the sanction payment may not be deducted by plaintiff's counsel as an expense of the case.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: November 30, 2021